

# UNITED STATES DERTMENT OF COMMERCE Unit d States Patent and Trad mark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR			ATTORNEY DOCKET NO.
09/456,371	12/08/99	BOLLMANN		Н	12010
0.000 4.00 4		That more a more more	コ		EXAMINER
028484 BASF CORPOR	ATTON	IM52/0601		ROCHE.	i
LEGAL DEPAR				ART UNIT	PAPER NUMBER
1609 BIDDLE WYANDOTTE M				1771 DATE MAILED:	5
					06/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

Office Action Summary    Examinor			<del> </del>						
## Examinar   Leanna Roche   1771		Application No.	Applicant(s)						
Period for Reply  AS HORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  Editables of time may be evaluate used the provisions of 3 CFR 1.136 (a). In no word, however, may a reply be timely filled after SIX (s) MONTHS from the making date of this communication. If the period for they specified some loss than thirty (d) (d) year, a reply the timely filled after SIX (s) MONTHS from the making date of this communication.  If the period for they specified some is less than thirty (d) (d) year, a reply within the statutory minimum of heavy 100 days will be conditioned or reply with the statutory minimum of heavy 100 days will be conditioned to reply with the statutory minimum of heavy 100 days will be conditioned to the period of the communication of the period of the per	Office Action Summany	09/456,371	BOLLMANN ET AL.						
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Editorisons of time may be available under the provisions of 32 CFR 1.15 (a). In no event, however, may a reply be limely field after 50 (b) MONTHS from the realising state of this communication.  Editorisons of time may be available under the provisions of 32 CFR 1.15 (a). In no event, however, may a reply be limely field after 50 (b) MONTHS from the realising date of this communication.  Fablus to reply within the set or extended panel of the reply will be provided by the time and the provision of reply is specified above, the maximum attactory period slappy and will explice 30 (b) MONTHS from the making date of this communication.  Fablus to reply within the set or extended panel for reply will, by statute, cause the application to become ABANDONED (31 U.5. § 133).  Any reply received by the Cfibs and the him their mornish set from the making date of this communication, even if timely filled, may reduce any status of the provision of the provisi	Onice Action Summary	Examiner	Art Unit						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extreations of from mp be available under the provisions of 37 CFR 1.136 (a). In ne event, however, may a reply be timely filed.  Extreations of from mp be available under the provisions of 37 CFR 1.136 (a). In ne event, however, may a reply be timely filed.  Extreations of time mp be available under the provisions of 37 CFR 1.136 (a). In ne event, however, may a reply be timely filed.  Extreations of time mp be available under the provisions of 37 CFR 1.136 (a). In ne event, however, may a reply be timely filed.  Extreations of the mp time the extreation provide for exply within the statutory minimum of thinty (30) days will be considered timely.  If NO period for reply is specified above, the maintening sale of this commitment of the provided above, the maintening sale of the commitment of the commitment of the provided above, the maintening sale of the commitment of the co		Leanna Roche	1771						
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of me may be available under the provisions of 3 C PR 1 136 (a), in no event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication.  It NO period for reply is specified and one to the communication of the provision of the communication of the provision of the pr									
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1.9 and 14 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) and 14 is/are rejected.  7)  Claim(s) and 14 is/are objected to.  8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are objected to by the Examiner.  11)  The proposed drawing correction filed on is: a) approved b) disapproved.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period versilure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>	36 (a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1,9 and 14 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1,9 and 14 is/are rejected.  7) Claim(s) 9 and 14 is/are objected to.  8) Claims are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	1) Responsive to communication(s) filed on	<del></del> '							
Disposition of Claims  4) □ Claim(s) 1.9 and 14 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) 1.9 and 14 is/are objected to.  8) □ Claim(s) 9 and 14 is/are objected to.  8) □ Claim(s) 9 and 14 is/are objected to.  8) □ Claim(s) 9 and 15 is/are objected to by the Examiner.  10) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are objected to by the Examiner.  11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).	2a) This action is <b>FINAL</b> . 2b) ☐ Th	is action is non-final.							
4)  Claim(s) 1,9 and 14 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) 1,9 and 14 is/are rejected.  7)  Claim(s) 9 and 14 is/are rejected to.  8)  Claims are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are objected to by the Examiner.  11)  The proposed drawing correction filed on is: a) approved b) disapproved.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)									
4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) ☒ Claim(s) is/are rejected.  7) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are objected to by the Examiner.  11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☒ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) ☒ Notice of References Cited (PTO-892)  18) □ Interview Summary (PTO-413) Paper No(s)  19) □ Notice of Informal Patent Application (PTO-152)	Disposition of Claims								
5) Claim(s) is/are allowed. 6) Claim(s) 1,9 and 14 is/are rejected. 7) Claim(s) 9 and 14 is/are objected to. 8) Claims are subject to restriction and/or election requirement.  Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are objected to by the Examiner. 11) The proposed drawing correction filed on is: a) approved b) disapproved. 12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  15) Notice of References Cited (PTO-892) 16) Notice of Informal Patent Application (PTO-152)	4)⊠ Claim(s) <u>1,9 and 14</u> is/are pending in the application.								
6) Claim(s) 1.9 and 14 is/are rejected. 7) Claim(s) 9 and 14 is/are objected to. 8) Claims are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are objected to by the Examiner. 11) The proposed drawing correction filed on is: a) approved b) disapproved. 12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892) 16) Notice of Informal Patent Application (PTO-152)	4a) Of the above claim(s) is/are withdrawn from consideration.								
7) Claim(s) 9 and 14 is/are objected to. 8) Claims are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)	5) Claim(s) is/are allowed.								
8) Claims are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)									
Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on is/are objected to by the Examiner.  11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved.  12) ☐ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) ☐ Notice of References Cited (PTO-892)  16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) ☐ Notice of Informal Patent Application (PTO-152)	7) Claim(s) <u>9 and 14</u> is/are objected to	7) Claim(s) 9 and 14 is/are objected to							
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) Proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) Notice of Informal Patent Application (PTO-152)	8) Claims are subject to restriction and/or	- ' <u>-</u> '- <del>- '</del> '							
10) ☐ The drawing(s) filed on is/are objected to by the Examiner.  11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved.  12) ☐ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☒ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) ☒ Notice of References Cited (PTO-892)  16) ☐ Notice of Informal Patent Application (PTO-152)	Application Papers								
11)  The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) Notice of Informal Patent Application (PTO-152)									
The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) △ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) △ Notice of References Cited (PTO-892)   18) ☐ Interview Summary (PTO-413) Paper No(s)  19) ☐ Notice of Informal Patent Application (PTO-152)									
The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) △ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) △ Notice of References Cited (PTO-892)   18) ☐ Interview Summary (PTO-413) Paper No(s)  19) ☐ Notice of Informal Patent Application (PTO-152)									
13) △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) △ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  Attachment(s)  18) ☐ Interview Summary (PTO-413) Paper No(s)  19) ☐ Notice of Informal Patent Application (PTO-152)									
13) △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) △ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  Attachment(s)  18) ☐ Interview Summary (PTO-413) Paper No(s)  19) ☐ Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. § 119								
1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)									
1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)									
2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)									
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) ☒ Notice of References Cited (PTO-892)  18) ☐ Interview Summary (PTO-413) Paper No(s)  19) ☐ Notice of Informal Patent Application (PTO-152)									
Attachment(s)  15) Notice of References Cited (PTO-892)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  17) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  18) Interview Summary (PTO-413) Paper No(s).  19) Notice of Informal Patent Application (PTO-152)	3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).								
Attachment(s)  15) Notice of References Cited (PTO-892)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)	· · · · · · · · · · · · · · · · · · ·								
15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) Notice of Informal Patent Application (PTO-152)	14)[] Acknowledgement is made of a claim for domestic priority under 35 0.5.6. § 119(e).								
15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) Notice of Informal Patent Application (PTO-152)									
16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) Notice of Informal Patent Application (PTO-152)									
	16) Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) 🔲 Notice of Informal							

Application/Control Number: 09/456,371

Art Unit: 1771

### **DETAILED ACTION**

During a telephone conversation with Fernando Borrego on May 10, 2001 a provisional election was made with traverse to prosecute the invention of Group I, claims 1, 7, 9-18. The supplemental preliminary amendment received on May 23, 2001 affirmed this election, and traverse was withdrawn. Therefore, Claims 2-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant's cancellation of claim 8 in Paper No. 2 and cancellation of claims 2-7, 10-13 and 15-18 in Paper No. 4 is acknowledged. Therefore, Claims 1, 9 and 14 remain pending in this application. The amendments to claims 9 and 14 have been entered.

## Claim Objections

Applicant is advised that should claim 9 be found allowable, claim 14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Application/Control Number: 09/456,371

Art Unit: 1771

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krech et al. (CA 02240464) in view of Hoppe et al. (USPN 4447486).

Krech is directed to a microcellular polyurethane elastomer with improved dynamic-mechanical characterisitics useful in the vibration and shock damping systems of automobiles. Krech discloses a microcellular polyurethane elastomer with a density, tensile strength, elongation at break and tear propagation resistance within the ranges claimed by Applicant.

Krech does not disclose a layer of thermoplastic polyurethane adhered to the microcellular polyurethane elastomer. Hoppe, however, is directed to the sealing of an open-cell polyurethane elastomer using a thin, nonporous skin of polyurethane. Hoppe explains that sealing the polyurethane elastomer with a polyurethane skin prevents water, dust and dirt from penetrating into the open-cells of the elastomer (Column 1 lines 18-62). It would have been obvious to a person having ordinary skill in the art at the time this invention was made to combine the teachings of Krech and Hoppe, motivated by the desire to increase the resistance of the microcellular polyurethane elastomer to penetration by water and dirt.

Neither Krech nor Hoppe specifically disclose the rebound resilience of the cellular polyurethane elastomer layer. However, it appears that the microcellular layer of Krech is substantially identical to the presently claimed microcellular polyurethane elastomer. Thus, it is believed by the examiner that the microcellular polyurethane elastomer of Krech inherently possesses a rebound resilience within Applicant's presently claimed ranges. See *In re Best*, 195 USPQ 433 footnote 4 (CCPA 1977).

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leanna Roche whose telephone number is 703-308-6549. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 703-308-1261. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

**Imr** 

May 25, 2001

lana Roche

BLAINE COPENHEAVER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700